

CHAPTER VI

ORDINANCES.

SECTION 6.00. (When required). Subdivision 1. Except as otherwise provided by the laws of this state or this charter, all legislation shall be by ordinance adopted by a majority of all members of the common council. When action is not required to be by ordinance, the common council shall act by written resolution in writing; by written findings of fact, conclusions of law and order, or by motion to be entered on the minutes.

Subd. 2. Every action taken by the common council fixing salaries and appropriating money for the payment thereof, every determination to issue bonds of the city or in any way to contract indebtedness, every provision for the sale of any real estate of the city, and every levy of taxes or special assessments, shall be by ordinance or resolution in writing.
(Amended by Ord. No. 3770, effective June 5, 2006)

Subd. 3. The Common Council may provide by ordinance that a violation of a city ordinance is either a misdemeanor or a petty misdemeanor punishable in accordance with state law. In addition, the Council may establish by ordinance a procedure for imposing a civil penalty for each ordinance violation. The procedure must provide for an opportunity for a hearing before a neutral party, which may be the Council.
(Enacted by Referendum November 4, 2008, effective December 4, 2008)

SECTION 6.01. (Style). The style of all ordinances shall be: "The common council of the City of Rochester do ordain."

SECTION 6.02. (Enactment). Every ordinance, resolution, and findings of fact, conclusions of law and order passed by the common council shall be signed by the president of the common council and shall be attested by the city clerk. The clerk shall also attach the corporate seal. On the next day after the passage thereof the same shall be transmitted by the city clerk to the mayor for his approval. (Amended by Ord. No. 3770, effective June 5, 2006.)

SECTION 6.03. (Approval, veto). If the mayor approves the same, he shall append his signature, with the date of his approval thereto. He shall then return it to the city clerk within five (5) days, excluding Sundays, of its transmission to him. If the mayor declines to approve the same he shall within said five (5) days, excluding Sundays, return it to the city clerk with a statement of his objections thereto, to be presented to the common council at its next meeting thereafter.

SECTION 6.031 (Veto of actions taken by motion). If the mayor objects to any action taken by the common council by motion, he shall within five days of approval of that action, excluding Sundays, provide a written notice of veto to the city clerk with a statement of his objections to that action. (Enacted by Ord. No. 3770, effective June 5, 2006)

SECTION 6.04. (Override of veto). Upon the return of an ordinance, resolution or findings of fact, conclusions of law and order to the common council without the mayor's approval, or upon

the receipt of a written notice of veto of a motion from the mayor, the question shall again be put upon the passage of the same, notwithstanding the objections of the mayor, and if upon such vote, which shall be taken by a call for the ayes and naves, five-sevenths (5/7) of all the members of the common council shall vote in favor of such ordinance, resolution, findings of fact, conclusions of law and order or motion, the same shall be declared enacted, and shall have the same force and effect as if approved by the mayor. (Amended by Ord. No. 3770, effective June 5, 2006.

SECTION 6.05. (Failure to return). If any ordinance, resolution or findings of fact, conclusions of law and order so submitted to the mayor shall not be returned by him to the city clerk within five (5) days (Sundays excepted) after presentation thereof to him, the same shall be deemed to be approved by him, and he shall deliver the same to the city clerk on demand. (Amended by Ord. No. 3770, effective June 5, 2006

SECTION 6.06. (Readings required) . No ordinance shall be passed by the common council until it has had two public readings, either in full or by title and description and at least 25 days shall elapse between readings, except that on unanimous consent of all members present at the time of the second reading, which shall be noted in the record, the second reading may be given on the day of introduction or on any other day.

SECTION 6.07. (Publication). Every ordinance passed as aforesaid shall be recorded by the city clerk in a book provided for that purpose. Except as hereinafter provided, it shall not be in force, however, until signed by the mayor, attested by the city clerk and published once in the official paper of the city. Ordinances adopted during a declared emergency disaster shall be in force upon adoption without the need for publication. In the case of lengthy ordinances the common council may, by vote of five of its members, direct that only the title of the ordinance and a summary be published, conforming to Minnesota Statutes Section 331A.01, subdivision 10 as amended. Such summary statement shall also contain a notice that the entire text of the ordinance is available for inspection at the Office of the City Clerk, at the community library, and at any other public location which the common council may designate. Prior to its publication the title and text of the summary shall be approved by the common council upon determination by the council that the summary clearly informs the public of the intent and effect of the ordinance. Before any such ordinance shall be recorded, the publication thereof as aforesaid shall be proved by the affidavit of the foreman or publisher of such paper. This affidavit shall be recorded therewith and shall at all times be deemed and taken as sufficient evidence of such publication.

(Ord. #2640, 6/20/89; 3344, 7/6/00 – effective 90 days after publication)

SECTION 6.08. (Codification). Subdivision 1. The common council may codify ordinances of the city, and enact such code of ordinances as a single, comprehensive ordinance, repealing and replacing all prior ordinances (except as may be specifically retained by particular reference in the code). Such code, when duly enacted by the common council in accordance with the other provisions of this charter, need not be published in the official paper of the city, but shall be effective at whatever effective date the code may prescribe, provided that: a) Notice of the adoption of the said code shall have been published for at least one week in the official paper of the city which publication shall be proved by the affidavit of the foreman or publisher of such

paper; and b) copies of said code shall have been available at the office of the city clerk for distribution to the public generally at a reasonable price for at least one week prior to said effective date, which fact shall be proved by affidavit of the city clerk on file with the code in the office of the city clerk.

Subd. 2. After the adoption of a code of ordinances, subsequent ordinances duly passed and published (except those which may be of a type specifically excepted from the code) may be incorporated into the code from time to time at the direction of the common council without any further publication of the said ordinances. In so doing the form of the said ordinances may be changed to conform to the form of the code, but no change in the substantive meaning of any ordinance shall be made upon its incorporation into the code.